

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**
No. 1:19-cv-272-LCB-LPA

MAXWELL KADEL, *et al.*,

Plaintiffs,

v.

DALE FOLWELL, *et al.*,

Defendants.

ORDER

THIS MATTER is before the Court on the Motion of the North Carolina State Health Plan for Teachers and State Employees, Dale Folwell (*in his official capacity as State Treasurer of North Carolina*), and Dee Jones (*in her official capacity as Executive Administrator of the State Health Plan*) (“the Plan Defendants”) to strike Plaintiffs’ multiple and simultaneous motions for summary judgment, their multiple accompanying briefs, and their multiple additional attachments for failure to comply with this Court’s prior Order, (Doc. No. 128), and the Local Rules of this Court. (Doc. No. 168.) The Plan Defendants have also filed a Motion seeking expedited consideration of this issue. (Doc. No. 170).

IT FIRST APPEARING TO THE COURT that the Plaintiffs previously sought—and were denied—prior permission to exceed the word-count limitation of Local Rules 7.3(d)(1) and 56.1(c).¹

IT FURTHER APPEARING TO THE COURT that the Plaintiffs subsequently filed multiple motions for summary judgment (Doc. Nos. 138 and 152), accompanied by multiple supporting memoranda/briefs (Doc. Nos. 139 and 153), and ten (10) additional attachments, (Doc. Nos. 140-144, 154-158). Plaintiffs also sought to file sealed versions of both supporting memoranda/briefs and all 10 additional attachments (totaling 24 submissions).

IT FURTHER APPEARING TO THE COURT that Local Rules 7.3(d)(1) and 56.1(c) limit Plaintiffs to no more than 6,250 words, and that Plaintiffs did not receive this Court's prior permission to exceed Local Rules 7.3(d)(1) and 56.1(c)'s 6,250 word-count limit.

IT FURTHER APPEARING that the Court has authority under Local Rule 83.4(a) and (b) to “make such orders as are just under the circumstances of the case, including” the issuance of “*an order striking out pleadings or parts thereof, or staying proceedings until the rule is complied with.*”

IT IS THEREFOR ORDERED that the Plan Defendants Motion to Expedite consideration, Doc. No. 170, is GRANTRED. The following

¹ In their request, Plaintiffs correctly observed that Local Rules 7.3(d)(1) and 56.1(c) establish a 6,250 word-count limit.

submissions of the Plaintiffs are HEREBY STRICKEN: Document Nos. 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 160, 161, 162, 163, 164, 165. Plaintiffs' Motions to Seal, Document Nos. 145 and 159, are HEREBY DENIED as moot.

SO ORDERED, this the ____ day of December.

Honorable Loretta Copeland Biggs
U.S. District Court Judge